



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.11274 of 2019

G.Nithya

... Petitioner/A-5

Vs

The State Rep.by
Inspector of Police,
Thiruverambur Police Station,
Trichy District.
(Crime No. 228 of 2019).

... Respondent/Complainant

For Petitioner : M/s. Murugesan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

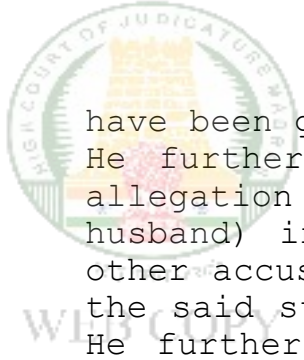
For bail in Crime No. 228 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.5 seeking bail for the alleged offence punishable under Section 341, 294(b), 307, 302, 506(ii) of IPC @ 341, 294(b), 307, 302, 506(ii), 147, 148 and 120(B) of IPC in Crime No.228 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, the name of the petitioner has not been mentioned. He further submitted that based on the confession said to



have been given by A2, the petitioner herein has been arrayed as A5. He further submitted that even in the said confession, the only allegation made against the petitioner is that A1 (petitioner's husband) informed the petitioner herein that with the help of the other accused persons he is going to murder the deceased and except the said statement no other allegation made against the petitioner. He further submitted that since the petitioner happens to be the wife of A1, she has been falsely implicated in the above case and was arrested on 08.07.2019 and from that date onwards, she is in custody and hence, he prayed to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that even though in the FIR, the name of the petitioner has not been mentioned, during investigation, A2 was arrested and he gave confession voluntarily and in the said confession he has stated that A1 told her wife (petitioner herein) that only with the help of the other accused persons he is going to murder the deceased and based on the said statement, she has been arrayed as accused. He further submitted that the investigation is not yet completed and therefore, he opposed this petition.

5.Taking into consideration of the fact that the name of the petitioner has not been mentioned in the FIR and only based on the confession said to have been given by A2 before the respondent police, the petitioner herein has been arrayed as accused and also the fact that in the said confession statement, except the allegation that A1 informed the petitioner herein that only with the help of the other accused persons he is going to murder the deceased and no other allegations made against her and also the fact that the petitioner is in custody from 08.07.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Tiruchirappalli.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of one week and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.

2.-do-thro-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE SUPERINTENDENT,
SPECIAL PRISON (WOMEN), TIRUCHIRAPPALLI..

4 THE INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.I.MURUGESAN, Advocate (SR-13397[I] dated 13/08/2019)

ORDER
IN
CRL OP(MD) No.11274 of 2019
Date :13/08/2019

vsg
ES/PN/SAR 4/13.08.2019/3P/7C